

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,
Plaintiff,

v.

Case No. 17-CR-124

MARCUS HUTCHINS,
Defendant.

**MOTION FOR A PROTECTIVE ORDER PURSUANT TO
FEDERAL RULE OF CRIMINAL PROCEDURE 16(d)(1)**

The United States of America, by and through its attorneys, Gregory J. Haanstad, United States Attorney for the Eastern District of Wisconsin, and Michael Chmelar, Assistant United States Attorney, file this motion for a protective order to apply to discovery produced in the above captioned case. The United States files this motion pursuant to Federal Rule of Criminal Procedure 16(d)(1). In support of this motion, the United States asserts the following:

1. On July 11, 2017, a federal grand jury returned a six-count indictment that charged Mr. Hutchins with one count of conspiracy to commit computer fraud and abuse, three counts of distributing and advertising an electronic communication interception device, one count of endeavoring to intercept electronic communications, and one count of attempting to access a computer without authorization. On August 14, 2017, Mr. Hutchins was arraigned and pleaded not guilty to those charges.

2. The discovery in this matter may include information related to other ongoing investigations, malware, and investigative techniques employed by the United States during its

investigation of Mr. Hutchins and others. As a result, the United States is seeking a protective order under FRCrP 16(d)(1) to govern discovery in this matter.

3. According to FRCrP 16(d)(1), “[a]t any time the court may, for good cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief.”

4. The United States requests the Court issue a protective order containing the following protective measures to govern discovery:

a. All discovery materials produced to defendant, his defense team (defense attorneys, paralegals, law firm staff (which includes interns and part-time staff)) and outside advisers (experts, investigators, and consultants) in this case are to be used only in defense of the above-captioned criminal matter;

b. The defendant, his defense team, and outside advisers may not provide copies of the discovery material to individuals who are not part of the defense team or outside advisers without written permission from the attorneys for the United States in the above-captioned case;

c. No person other than the defendant and defense team shall have access to the discovery materials until certifying that he or she has read, understands, and agrees to the terms of the Protective Order by signing a copy of the Acknowledgement (Attached);

d. At the conclusion of this matter, all the discovery material and any copies of those materials shall be returned to the attorneys for the United States in the above-captioned case or destroyed by defense counsel; and

e. Except as set forth above, there is no prohibition on the disclosure of the discovery materials in any motion, hearing, trial, or sentencing proceeding held in this action, or to any judge or magistrate of this Court or their staff for purposes of this action.

5. Mr. Hutchins, by and through his attorneys Brian Klein and Marcia Hofmann, reviewed the proposed protective order, and he agrees to the terms of the proposed protective order.

Conclusion

Wherefore, pursuant to FRCP 16(d)(1), the United States respectfully requests this Court issue the proposed protective order to govern discovery produced by the United States to the defendant with the protective measures described in paragraphs 4(a) through (e) of this motion.

Respectfully submitted,

GREGORY J. HAANSTAD
United States Attorney
Eastern District of Wisconsin

By: /s/Michael Chmelar
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ACKNOWLEDGMENT OF STIPULATED PROTECTED ORDER
IN *UNITED STATES v. MARCUS HUTCHINS*, 17-CR-124

The undersigned hereby acknowledges that he/she has received a copy of the Protective Order issued in *United States v. Marcus Hutchins*, Case No. 17-CR-124, has read, understands, and agrees to the terms of the Protective Order, and hereby submits to the jurisdiction of the United States District Court for the Eastern District of Wisconsin for the purposes of enforcement of the terms of the Protective Order and the punishment of any violations thereof.

DATED: _____

Signature

Street Address

City, State, and Zip Code

Area Code and Telephone Number

E-mail Address